

DITECH FINANCIAL LLC,)	
)	
Plaintiff,)	Case No.: 2:16-cv-00127-GMN-NJK
vs.)	
)	ORDER
SFR INVESTMENTS POOL I, LLC, <i>et al.</i> ,)	
)	
Defendants.)	
)	

1 Pursuant to the Court's April 5, 2018 Order, BONY Mellon filed the instant motion
2 requesting that the lis pendens be expunged. (ECF No. 152). On May 8, 2018, SFR filed a
3 Response asking that the Court deny BONY Mellon's motion as premature in light of SFR's
4 Ninth Circuit appeal. (ECF No. 156). Alternatively, SFR moved to stay the expungement
5 pending the outcome of the appeal. (ECF No. 157). On December 11, 2018, the Ninth Circuit
6 Court of Appeals issued an order indicating that, "pursuant to the stipulation of the parties, this
7 appeal is voluntarily dismissed." (ECF No. 165) (internal citation omitted).

8 **II. DISCUSSION**

9 The lis pendens, by statute, is "a notice of the pendency of the action[.]" Nev. Rev. Stat.
10 § 14.010(1). "The doctrine of lis pendens provides constructive notice to the world that a
11 dispute involving real property is ongoing." *Weddell v. H2O, Inc.*, 271 P.3d 743, 751 (Nev.
12 2012); *see also Wensley v. First Nat. Bank of Nevada*, 874 F. Supp. 2d 957 (D. Nev. 2012)
13 (granting the request to expunge the lis pendens concurrent with order dismissing the action);
14 *accord Am. Town Center v. Hall 83 Associates*, 912 F.2d 104, 110 (6th Cir. 1990) ("With the
15 complaint dismissed, the notices of lis pendens no longer served any purpose.").

16 In the present case, the lis pendens no longer serves a purpose. The parties have
17 voluntarily dismissed their Ninth Circuit appeal, therefore, there is no longer an action affecting
18 the title or possession of real property. (*See* ECF No. 165). Accordingly, BONY Mellon's
19 Motion to Expunge Lis Pendens is granted and SFR's Motion to Stay Pending Appeal is denied
20 as moot.

21 **III. CONCLUSION**

22 **IT IS HEREBY ORDERED** that BONY Mellon's Motion to Expunge Lis Pendens,
23 (ECF No. 152), is **GRANTED**.

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IT IS FURTHER ORDERED that the Notice of Pendency of Action or Lis Pendens recorded by Defendant in relation to this matter, as Instrument No. 20160422-0003266 as to a certain parcel of real property with Assessor's Parcel No. 161-34-618-006 shall be expunged.

IT IS FURTHER ORDERED that SFR's Motion to Stay Expungement Pending Appeal, (ECF No. 157), is **DENIED as moot**.

IT IS FURTHER ORDERED that a copy of this Order may be recorded with the Clark County's Recorder's Office in the applicable chain of title.

DATED this 30 day of March, 2019.


Gloria M. Navarro, Chief Judge
United States District Court